REMARKS

In the Office Action, the Examiner objected to Figs. 3 and 9 of the drawings for various deficiencies; objected to claims 21 and 22 for including informalities; rejected claims 12-14 under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to point out and distinctly claim the subject matter which Applicant regards as the invention; rejected claim 1 under 35 U.S.C. § 102(e) as being anticipated by FARRIS et al. (U.S. Patent No. 6,574,216); rejected claim 6 under 35 U.S.C. § 103(a) as being unpatentable over FARRIS et al. in view of RANDIC (U.S. Patent No. 6,275,797); rejected claims 4 and 5 under 35 U.S.C. § 103(a) as being unpatentable over FARRIS et al. in view of RANDIC, and further in view of GIERS (U.S. Patent No. 4,015,480); rejected claims 9 and 10 under 35 U.S.C. § 103(a) as being unpatentable over FARRIS et al. in view of RANDIC, and further in view of SAND (U.S. Patent No. 6,512,746); rejected claims 11, 17 and 18 under 35 U.S.C. § 103(a) as being unpatentable over FARRIS et al. in view of SAND, and further in view of OOUCHI (U.S. Patent No. 5,282,203); rejected claims 12-14 under 35 U.S.C. § 103(a) as being unpatentable over FARRIS et al. in view of SAND, further in view of OOUCHI, and further in view of well established teaching in the art; rejected claim 19 under 35 U.S.C. § 103(a) as being unpatentable over FARRIS et al. in view of RANDIC, and further in view of well established teaching in the art; rejected claim 21 under 35 U.S.C. § 103(a) as being unpatentable over FARRIS et al. in view of RANDIC, and further in view of ITU-T P.830; rejected claim 22 under 35 U.S.C. § 103(a) as being unpatentable over SAND in view of SHAFFER (U.S. Patent No. 5,898,668), and further in view of well established

teaching in the art; rejected claim 23 under 35 U.S.C. § 103(a) as being unpatentable over SAND in view of SHAFFER (U.S. Patent No. 5,898,668), and further in view GIERS; rejected claims 2, 3, 7, 8, 20, 26 and 27 under 35 U.S.C. § 103(a) as being unpatentable over FARRIS et al. in view of RANDIC, and further in view of ITU-T P.830; rejected claims 15, 16, 24 and 25 under 35 U.S.C. § 103(a) as being unpatentable over FARRIS et al. in view of SAND, and further in view of ITU-T P.830; rejected claim 29-31 under 35 U.S.C. § 103(a) as being unpatentable over FARRIS et al. in view of RANDIC, further in view of ITU P.830, and further in view of well established teaching in the art, and SAND; and rejected claims 27-28 under 35 U.S.C. § 103(a) as being unpatentable over FARRIS et al. in view of RANDIC, and further in view of ITU P.830.

By way of the above amendments, Figures 3 and 9, as well as claims 12-14, 21 and 32 have been amended to improve form. Accordingly, claims 1-32 remain pending in the present application. Reconsideration and allowance of all claims in view of the following remarks is respectfully requested.

Applicant notes with appreciation that claim 32 has been allowed.

In the Office Action, the Examiner initially objected to Figure 9 for including an incorrect label for element 920. Accordingly, Applicant has amended Figure 9 as attached hereto to correct the noted error. Additionally, the Examiner has objected to Figures 3A-3C for failing to include descriptive legends. Applicant has likewise amended Figures 3 3A-3C as attached hereto to correct the noted deficiency. Reconsideration and withdrawal of the objections to the drawings is respectfully requested.

Claims 21 and 32 have been objected to as including informalities. More specifically, the Examiner indicated that the acronym "P(UDI)" recited in line 1 of claim 21 and line 3 of claim 32 should be initially recited without the acronym. Accordingly, claims 21 and 32 have been amended as set forth above, to correct this deficiency. Reconsideration and withdrawal of these objections is respectfully requested.

Claims 12-14 have been rejected under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which the application regards as the invention. More specifically, the Examiner indicated that the claim term "substantially" in claim 12 renders the claim indefinite. Accordingly, Applicant has amended claim 12 to remove this language. In view of this amendment, reconsideration and withdrawal of this rejection of claims 12-14 is respectfully requested.

Claim 1 has been rejected under 35 U.S.C. § 102 (e) as being anticipated by FARRIS et al. Applicant respectfully traverses.

Independent claim 1, for example, recites a method for determining acceptability of quality of a second communications service, in comparison to a first communications service which is deemed to exhibit acceptable quality. The method includes obtaining a first quality index pertaining to the first communications service; obtaining a second quality index pertaining to the second communications service; and determining that the second communication service is of unacceptable quality if the second quality index differs from the first quality index service by more than a selected amount.

A proper rejection under 35 U.S.C. § 102 requires that a reference teach every aspect of the claimed invention either explicitly or impliedly. Any feature not directly

taught must be inherently present. See M.P.E.P. § 2131. FARRIS et al. does not disclose or suggest the combination of features recited in Applicant's claim 1.

For example, FARRIS et al. does not disclose or suggest obtaining a first quality index pertaining to the first communications service, as required by claim 1. The Examiner relied upon col. 4, lines 63-67 and col. 8, lines 15-40 of FARRIS et al. as allegedly disclosing this feature (Office Action, pg. 4). Applicant respectfully submits that these sections of FARRIS et al. do not disclose or suggest obtaining a first quality index pertaining to the first communications service, as recited in claim 1.

At col. 4, lines 63 to col. 5, line 2, FARRIS et al. discloses:

> Monitoring of the data network, which may be the Internet, may be under control of a module that interfaces between the data network and the public switched telephone network. The caller's predefined acceptable level of quality, stored in AIN ISCP may be obtained by the module for comparison with monitored levels.

At col. 8, lines 15-40, FARRIS et al. discloses:

> FIG. 3 is a simplified block diagram of an AIN controlled PSTN, such as the type shown in FIG. 2, which includes architecture for implementing Internet routing in accordance with one preferred embodiment of the invention. It is to be understood that the Internet representation in this figure, as well as throughout this disclosure, is illustrative of any packet network of routers that allows voice traffic to be packetized and sent over a shared network. The use of the phrases "Internet" and "data packet network" or the like are used interchangeably throughout this description. SSP capable central offices 13 and 17, which may be located in the same or different states and regions, are connected by trunks 14 and 16 respectively to the PSTN indicated by a cloud 10. Each central office is connected by local loops to subscribers' customer premises equipment (CPE) such as telephone terminals 12 and PC 90. The telephone 12 may be a standard telephone used for Plain Old Telephone Service (POTS), with conversion of analog voice to digital signals performed at a central office, or a so-called "Internet Phone" that outputs digital voice signals. The SSPs 13 and 17 are connected by CCIS links to STP 31 which in turn may be connected to ISCP 40. While the STP functionality is here shown as constituting a single STP it will be appreciated that this is for the purpose of simplicity only and that a hierarchy of STPs may be involved.

These sections of FARRIS et al. disclose a system for interfacing PSTN and data packet networks, such that a voice call through the data network may be allowed if it meets or exceeds a user's acceptable level of service. As stated in col. 4, lines 50-54, the user's acceptable level of server may be predefined with a threshold quality level stored in the user's Call Processing Record (CPR) in the AIN Integrated Services Control Point (ISCP). Even more particularly, col. 4, lines 14-18 indicates that the user's acceptable level of service may be predefined as, for example, 2.4 or 4.8 kbs to be stored in the CPR. Clearly, this predefined acceptable level of service, to which the monitored service is compared is not related to the first communications service (e.g., PSTN). In making his argument, the Examiner appears to interpret the language of FARRIS et al. as indicating that a voice quality threshold is established based upon a normal end-to-end voice circuit. However, this interpretation finds no support in the language of FARRIS et al. In particular, FARRIS provides no teaching or suggestion that the "stored threshold" is based in any way upon "a normal end-to-end voice circuit" as argued by the Examiner, but rather appears to be based strictly on packet-based quality monitoring principles, such as throughput, packet, loss, etc. Clearly, this does not disclose or suggest obtaining a first quality index pertaining to the first communications service and obtaining a second quality index pertaining to the second communications service, as recited in claim 1. For at least this reason, FARRIS et al. does not anticipate claim 1.

Claim 6 is rejected under 35 U.S.C. § 103(a) as being unpatentable over FARRIS et al. in view of RANDIC. Applicant respectfully traverses.

Independent claim 6 recites features similar to features recited above with respect

to claim 1. Applicant respectfully submits that the disclosure of RANDIC does not remedy the deficiencies noted above, with respect to FARRIS et al. Therefore, Applicant submits that claim 6 is patentable over the cited combination of FARRIS et al. and RANDIC for at least the reasons given above with respect to claim 1. Moreover, claim 6 recites additional features not disclosed or suggested by the combination of FARRIS et al. and RANDIC.

Independent claim 6, for example, recites a method for determining the quality performance required of a second communications service in comparison to a first communications service. The method includes obtaining a first quality index representing the quality of the first communication service; determining the effect of at least one performance characteristic of the second communication service upon a second quality index pertaining to the second communication service; and determining a value for the performance characteristic required to maintain the second quality index acceptably near the value of the first quality index.

A proper rejection under 35 U.S.C. § 103 requires that three basic criteria be met. First, there must be some suggestion or motivation, either in the references themselves, or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or to combine reference teachings. Second, there must be a reasonable expectation of success. Finally, the prior art reference (or references when combined) must teach or suggest each and every claim limitation. The teaching or suggestion to make the claimed combination and the reasonable expectation of success must both be found in the prior art, not the applicant's disclosure. *In re Vaeck*, 947 F.2d 488, 20

USPQ2d 1438 (Fed. Cir. 1991). The cited combination of FARRIS et al. and RANDIC fail to disclose or reasonably suggest the combination of features recited in Applicant's claim 6.

In particular, the Examiner admits that FARRIS et al. fails to disclose or suggest determining a value for the performance characteristic required to maintain a second quality index acceptably near a value of the first quality index (Office Action, pg. 7). The Examiner cites RANDIC to remedy this deficiency. Applicant respectfully submits that RANDIC likewise fails to disclose or suggest the recited limitation. In making the rejection, the Examiner relied upon Fig. 3 and col. 7, lines 1-29 of RANDIC for allegedly disclosing this feature (Office Action, pg. 7). Applicant respectfully submits that these sections of RANDIC do not disclose or suggest determining a value for the performance characteristic required to maintain the second quality index acceptable near the value of the first quality index, as recited in claim 6.

At col. 7, lines 1-29, RANDIC discloses:

> Voice path quality factor 27 can also be used to determine a threshold level of voice path operation during the system level test in the design and manufacturing phase of communication networks 10 and 30. Additionally, voice quality factor 27 can be used to develop the network node packet queueing or prioritizing algorithms.
>
> For example, the voice quality factor 27 can be used to identify routers with under or over utilized bandwidth and to predict how changes in the number or connectivity of network nodes or elements will affect voice quality. Another example of the usefulness of voice quality factor 27 is as follows. Computer 12 transmits the voice test file 23 to computer 14. If the voice path quality factor 27 is below a threshold factor, say less than 75%, then no voice communication is initiated between a user on computer 12 and a user on computer 14. Alternatively, the computer 12 determines that to improve the voice path quality factor to an acceptable level, the sampling rate for converting voice signals into digitized data must be increased. Thus, the computer 12 automatically increases the sampling rate for the capture and digitization of voice test file 23.

> Voice path quality factor 27 can also be used by ISPs, like ISP 32A, to address voice path quality in a distributed network. For example, if voice path quality factor 27 indicates a less than suitable voice path, the ISP 32A suggests a different higher bandwidth communication link to WAN 11 which allows a higher voice sample rate that improves voice path quality factor 27 without reducing the rate at which the voice data is transmitted.

This section of RANDIC discloses a system wherein controlled non-distorted and distorted voice test signals are transmitted through a packet network. Once received, the voice signals are transformed into text files. These text files are compared, to generate a voice path quality factor. (See col. 2, lines 29-46). The value associated with the voice path quality factor, if below a threshold, may be maximized by automatically modifying the sampling rate for converting the voice signals into digitized data. Contrary to the Examiner's position, the distorted and non-distorted data paths through network 42 are not analogous to the first and second communications services, as recited in claim 6, as each of these paths take place through a common communications service, i.e., a packet based network. For at least this reason, claim 6 is believed to be patentable over the combination of FARRIS et al. and RANDIC.

Claims 4 and 5 are rejected under 35 U.S.C. § 103(a) as being unpatentable over FARRIS et al. in view of RANDIC, and further in view of GIERS. Applicant respectfully traverses.

Claims 4 and 5 depend from claim 1. Applicant respectfully submits that the disclosures of RANDIC and GIERS do not remedy the deficiencies noted above, with respect to FARRIS et al. Therefore, Applicant submits that claims 4 and 5 are patentable over the cited combination of FARRIS et al., RANDIC, and GIERS for at least the reasons given above with respect to claim 1. Moreover, claims 4 and 5 recite additional

features not disclosed or suggested by the combination of FARRIS et al., RANDIC, and GIERS.

For example, the Examiner admits that FARRIS et al. fails to disclose or suggest computing an expected quality index for the second communications service, as recited in claim 4 (Office Action, pg. 9). The Examiner cites RANDIC to remedy this deficiency. Applicant respectfully submits that RANDIC likewise fails to disclose or suggest the recited limitation. In making the rejection, the Examiner relied upon voice quality factor 52 of Fig. 3 and col. 7, lines 1-29 of RANDIC for allegedly disclosing this feature (Office Action, pg. 9). Applicant respectfully submits that these sections of RANDIC do not disclose or suggest, computing an expected quality index for the second communications service, as recited in claim 4.

The cited sections of RANDIC disclose a system wherein controlled non-distorted and distorted voice test signals are transmitted through a packet network. Once received, the voice signals are transformed into text files. These text files are compared, to generate a voice path quality factor 52. (See e.g., Fig. 3, col. 2, lines 29-46). The value associated with the voice path quality factor 52, if below a threshold, may be maximized by automatically modifying the sampling rate for converting the voice signals into digitized data. Contrary to the Examiner's position, the voice quality factor is not a "expected" value, but is objectively and predictably generated based upon a comparison of the distorted and non-distorted text files. Clearly, the voice quality factor of RANDIC is not an "expected" quality index, as required by claim 4. Applicant respectfully submits that the disclosure of GIERS does not remedy the deficiencies of FARRIS et al. and

RANDIC noted above. For at least this reason, claim 4 is believed to be patentable over the combination of FARRIS et al., RANDIC, and GIERS.

Claim 5 depends from claim 4 and therefore, is considered patentable over the combination of FARRIS et al., RANDIC and GIERS for at least the reasons set forth above, with respect to claim 4.

Claims 9 and 10 are rejected under 35 U.S.C. § 103(a) as being unpatentable over FARRIS et al. in view of RANDIC, and further in view of SAND. Applicant respectfully traverses.

Claims 9 and 10 depend from claim 6. Applicant respectfully submits that the disclosure of SAND does not remedy the deficiencies noted above, with respect to FARRIS et al. and RANDIC. Therefore, Applicant submits that claims 9 and 10 are patentable over the cited combination of FARRIS et al., RANDIC, and SAND for at least the reasons given above with respect to claim 6.

Claims 11, 17, and 18 are rejected under 35 U.S.C. § 103(a) as being unpatentable over FARRIS et al. in view of SAND, and further in view of OOUCHI. Applicant respectfully traverses.

Independent claim 11 recites features similar to features recited above with respect to claim 1. Applicant respectfully submits that the disclosures of SAND and OOUCHI do not remedy the deficiencies noted above, with respect to FARRIS et al. Therefore, Applicant submits that claim 11 is patentable over the cited combination of FARRIS et al., SAND, and OOUCHI for at least the reasons given above with respect to claim 1.

Claims 17 and 18 depend from claim 11 and therefore, are considered patentable over the combination of FARRIS et al., SAND and OOUCHI for at least the reasons set forth above, with respect to claim 11.

Claims 12-14 are rejected under 35 U.S.C. § 103(a) as being unpatentable over FARRIS et al. in view of SAND, further in view of OOUCHI, and further in view of well established teaching in the art. Applicant respectfully traverses.

Claims 12-14 depend from claim 11 and therefore, are considered patentable over the combination of FARRIS et al., SAND, OOUCHI, and well established teaching in the art for at least the reasons set forth above, with respect to claim 11.

Claim 19 is rejected under 35 U.S.C. § 103(a) as being unpatentable over FARRIS et al. in view of RANDIC, and further in view of well established teaching in the art. Applicant respectfully traverses.

Independent claim 19 recites features similar to features recited above with respect to claim 6. Applicant respectfully submits that the alleged well established teaching in the art does not remedy the deficiencies noted above, with respect to FARRIS et al. and RANDIC. Therefore, Applicant submits that claim 19 is patentable over the cited combination of FARRIS et al., RANDIC, and well established teaching in the art for at least the reasons given above with respect to claim 6.

Claim 21 is rejected under 35 U.S.C. § 103(a) as being unpatentable over FARRIS et al. in view of RANDIC, and further in view of ITU-T P.830. Applicant respectfully traverses.

Claim 21 depends from claim 19. Applicant respectfully submits that the

disclosure of ITU-T P.830 does not remedy the deficiencies noted above, with respect to FARRIS et al., RANDIC, and well established teaching in the art. Therefore, Applicant submits that claim 21 is patentable over the cited combination of FARRIS et al., RANDIC, and ITU-T P.830 for at least the reasons given above with respect to claim 19.

Claim 22 is rejected under 35 U.S.C. § 103(a) as being unpatentable over SAND in view of SHAFFER, and further in view of well established teaching in the art. Applicant respectfully traverses.

Independent claim 22, for example, recites a method for determining how a first performance characteristic having a given value affects the quality of a communication service. The method includes obtaining an original data set pertaining to occurrences of various values of at least one second performance characteristic within the communication service; determining the effect that the first performance characteristic has upon the occurrences of values of the second performance characteristic; computing an altered data set by changing, in the original data set, the occurrences of values of the second performance characteristic assuming the first performance characteristic is set to said given value; and computing a quality index for the communication service based upon the altered data set. The cited combination of SAND, SHAFFER, and well known teaching in the art fail to disclose or suggest the combination of features recited in Applicant's claim 22.

In particular, the combination of SAND, SHAFFER, and well known teaching in the art fail to disclose or suggest computing an altered data set by changing, in the original data set, the occurrences of values of the second performance characteristic

assuming the first performance characteristic is set to said given value. In making the rejection, the Examiner relied upon step 80 of Fig. 3 and col. 6, lines 5-44 of SHAFFER for allegedly disclosing this feature (Office Action, pg. 24). Applicant respectfully submits that these sections of SHAFFER do not disclose or suggest computing an altered data set by changing, in the original data set, the occurrences of values of the second performance characteristic assuming the first performance characteristic is set to said given value, as recited in claim 22.

At col. 6, lines 5-44, SHAFFER discloses:

> A second input 40 of the mode select/controller device is the information from the tariff table 30, which stores identification of the costs of utilizing the different modes available to the integrated network. Often, the tariffs are not fixed. For example, analog leased lines are typically less costly to use during off-hours, such as weekends. The tariff table preferably has sufficient information to allow an accurate identification of the present-time tariff for each of the available modes.
>
> If more than one available mode is identified by the mode select/controller device 34 as satisfying all of the QoS requirements for a particular session, the mode select/controller device 34 determines which of the designated modes is the least expensive to implement. The tariff that is associated with this mode is then identified as the "acceptable session tariff," since the QoS requirements at input 36 necessarily carry this session tariff as a minimum. This mode is identified as the fallback mode, and the necessary communications resources are reserved, as previously noted.
>
> The mode select/controller 34 has a third input 42 from the present-time quality of service table 28. As previously noted, the monitor device 24 of FIG. 1 is connected to each of the network access points 12, 14, 16, 18, 20 and 22. The monitor device may utilize any of known techniques for determining actual quality of service parameter values. For example, received packets containing multimedia information of other sessions may be monitored for the time of arrival. In addition, the length of a buffer queue feeding to a multimedia decoder is monitored. Of special interest is the case in which the buffer queue is empty as a result of a packet being lost or delayed through the network. Monitor device 24 collects statistical information relating to quality of service, e.g., delay, latency, jitter and data loss. Depending upon the type of communication (e.g., voice, video, image or data) and the decoding mechanism used, the impact to the quality of service from the delayed arrival or lost packets is assessed. This assessment is

used to update the present-time quality of service table 28.

This section of SHAFFER discloses updating a QoS table 28 based upon a monitored impact to the quality of service from delayed arrival or lost packets. However, the QoS table of SHAFFER does not appear to relate lost packet / packet delay to one another. Clearly, SHAFFER do not disclose or suggest computing an altered data set by changing, in the original data set, the occurrences of values of the second performance characteristic assuming the first performance characteristic is set to said given value, as recited in claim 22. For at least the foregoing reasons, claim 22 is patentable over the combination of SAND, SHAFFER and well known teaching in the art.

Claim 23 is rejected under 35 U.S.C. § 103(a) as being unpatentable over SAND in view of SHAFFER, and further in view GIERS. Applicant respectfully traverses.

Claim 23 depends from claim 22. Applicant respectfully submits that the disclosure of GIERS does not remedy the deficiencies noted above, with respect to SAND and SHAFFER. Therefore, Applicant submits that claim 23 is patentable over the cited combination of SAND, SHAFFER, and GIERS for at least the reasons given above with respect to claim 22.

Claims 2, 3, 7, 8, 20, 26 and 27 are rejected under 35 U.S.C. § 103(a) as being unpatentable over FARRIS et al. in view of RANDIC, and further in view of ITU-T P.830. Applicant respectfully traverses.

Claims 2 and 3 depend from claim 1. Applicant respectfully submits that the disclosures of RANDIC and ITU-T P.830 do not remedy the deficiencies noted above, with respect to FARRIS et al. Therefore, Applicant submits that claims 2 and 3 are

patentable over the cited combination of FARRIS et al., RANDIC, and ITU-T P.830 for at least the reasons given above with respect to claim 1.

Claim 20 depends from claim 19. Applicant respectfully submits that the disclosure of ITU-T P.830 does not remedy the deficiencies noted above, with respect to FARRIS et al. and RANDIC. Therefore, Applicant submits that claim 20 is patentable over the cited combination of FARRIS et al., RANDIC, and ITU-T P.830 for at least the reasons given above with respect to claim 19.

Independent claim 26 recites features similar to features recited above with respect to claim 6. Applicant respectfully submits that the disclosure of ITU-T P.830 does not remedy the deficiencies noted above, with respect to FARRIS et al. and RANDIC. Therefore, Applicant submits that claim 26 is patentable over the cited combination of FARRIS et al., RANDIC, and ITU-T P.830 for at least the reasons given above with respect to claim 6.

Claim 27 depends from claim 26 and is therefore patentable over the cited combination of FARRIS et al., RANDIC, and ITU-T P.830 for at least the reasons given above with respect to claim 26.

Claims 15, 16, 24 and 25 are rejected under 35 U.S.C. § 103(a) as being unpatentable over FARRIS et al. in view of SAND, and further in view of ITU-T P.830. Applicant respectfully traverses.

Claims 15-16 depend from claim 11. Applicant respectfully submits that the disclosure of ITU-T P.830 does not remedy the deficiencies noted above, with respect to FARRIS et al. and SAND. Therefore, Applicant submits that claims 15-16 are patentable

over the cited combination of FARRIS et al., SAND, and ITU-T P.830 for at least the reasons given above with respect to claim 11.

Claims 24-25 depend from claim 22. Applicant respectfully submits that the disclosures of FARRIS and ITU-T P.830 do not remedy the deficiencies noted above, with respect to SAND and SHAFFER. Therefore, Applicant submits that claims 24-25 are patentable over the cited combination of FARRIS et al., SAND, and ITU-T P.830 for at least the reasons given above with respect to claim 22.

Claims 29-31 are rejected under 35 U.S.C. § 103(a) as being unpatentable over FARRIS et al. in view of RANDIC, further in view of ITU-T P.830, and further in view of well established teaching in the art, and SAND. Applicant respectfully traverses.

Claims 29-31 depend from claim 26. Applicant respectfully submits that the disclosures of ITU-T P.830, SAND, and well known teaching in the art do not remedy the deficiencies noted above, with respect to FARRIS et al., RANDIC, and ITU-T P.830. Therefore, Applicant submits that claims 29-31 are patentable over the combination of FARRIS et al., RANDIC, ITU-T P.830, well established teaching in the art, and SAND, for at least the reasons given above with respect to claim 26.

Claims 27-28 are rejected under 35 U.S.C. § 103(a) as being unpatentable over FARRIS et al. in view of RANDIC, and further in view of ITU P.830. Applicant respectfully traverses.

Claims 27-28 depend from claim 26. Therefore, Applicant submits that claims 27-28 are patentable over the combination of FARRIS et al., RANDIC, ITU-T P.830, for at least the reasons given above with respect to claim 26.

In view of the foregoing amendments and remarks, Applicants respectfully request the Examiner's reconsideration of this application, and the timely allowance of the pending claims.

To the extent necessary, a petition for an extension of time under 37 C.F.R. § 1.136 is hereby made. Please charge any shortage in fees due in connection with the filing of this paper, including extension of time fees, to Deposit Account No. 13-2491 and please credit any excess fees to such deposit account.

Respectfully submitted,

HARRITY & SNYDER, L.L.P.

By: _____
Robin C. Clark
Registration No. 40,956

Date: November 17, 2004

11240 Waples Mill Road
Suite 300
Fairfax, Virginia 22030
(571) 432-0800